

**REMARKS/ARGUMENTS**

In response to the Office Action dated January 12, 2009, Applicants respectfully request reconsideration.

**Interview Summary**

On March 16, 2009, the Examiner granted an interview to discuss arguments against the combination of the cited references. The Examiner was not persuaded. Also discussed was the possibility of overcoming a 103(a) rejection by showing commercial success. Applicants truly appreciated the opportunity to discuss this matter.

**Claim Rejections Under 35 U.S.C. §103**

**Claims 1-2, 7, 26 and 28**

Claims 1-2, 7, 26 and 28 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 6,700,351 (Blair) in view of U.S. Pat. No. 6,462,961 (Johnson) in further view of U.S. Pat. No. 4,623,957 (Moore). Claim 7 has been canceled without prejudice.

Applicants respectfully assert that independent claim 1 and its dependent claims 2 and 26 are patentable over Blair in view of Johnson in further view of Moore. Claim 1 recites an uninterruptible power supply (UPS) for providing AC power to a load in a local area network, the local area network including at least one computing device located remotely from the UPS, the UPS including an output that includes a plurality of switched power outlets and a network interface configured to receive commands from the remote computing device and provide the commands to a first controller to selectively control the plurality of switched power outlets.

Blair describes an uninterruptible power supply illustrated in FIG. 1 where all of the UPS components are housed in the frame 1. *Blair*, Col. 2, ll. 27-29. The Office Action equates the network interface limitation of claim 1 with Blair's control interface 14, which connects to Blair's primary controller 2 which the Office Action equates to the first controller of

claim 1. *Id.*, at Col. 3, ll. 50-55. However, the control interface 14 merely allows an operator to set operating parameters for the UPS using the user interface 6 that is part of the UPS. *Id.*, Col. 3, ll. 59-61. Blair does not teach, disclose or suggest a network interface configured to receive commands from a remote computing device, as required by claim 1.

Blair describes that the UPS includes battery modules 5 that provide back-up power, where the primary controller 2 and a standby controller 3 (both located in the UPS) process power and battery module information, and configure and regulate the UPS accordingly. As shown in FIG. 2, the UPS of Blair includes a single output 8. *Id.*, Col. 3, ll. 37-50. The primary controller 2 and standby controller 3 configure the single output 8 to supply input power or battery power to a load. Blair does not teach, disclose or suggest an output that includes a plurality of switched power outlets and a network interface configured to provide commands to a first controller to selectively control the plurality of switched power outlets, as recited in claim 1.

Johnson describes a component housing assembly having universal mounting capability for wall mounting equipment. *Johnson*, abstract. Moore describes a battery powered auxiliary lighting fixture that is mounted to a wall. *Moore*, abstract. Applicants respectfully submit that neither Johnson nor Moore make up for the deficiencies of Blair discussed above in reference to independent claim 1. Thus, for at least these reasons, independent claim 1, and claims 2 and 26 that depend from claim 1, are allowable over Blair, in view of Johnson and further in view of Moore.

#### Claim 28

Applicants respectfully assert that independent claim 28 is also patentable over Blair in view of Johnson in further view of Moore. Claim 28 recites an uninterruptible power supply (UPS) for providing AC power to a load in a local area network, the local area network including at least one computing device located remote to the UPS, the UPS including an output that includes a plurality of switched power outlets, and a first controller configured to perform firmware instructions to process commands received from the remote computing device to selectively control the plurality of switched power outlets.

Blair, Johnson and Moore are discussed above. None of Blair, Johnson or Moore teach, disclose or suggest a first controller configured to receive commands from a remote computing device and perform firmware instructions to process the commands to selectively control the plurality of switched power outlets, as required by independent claim 28. Thus, for at least these reasons, independent claim 28 is allowable over Blair, in view of Johnson and further in view of Moore.

#### Claims 5-6

Claims 5-6, that depend from claim 1, are rejected under 35 U.S.C. §103(a) as being unpatentable over Blair in view of Johnson in view of Moore in view of U.S. Pat. No. 7,181,630 (Kadoi) in view of U.S. Pat. No. 5,534,734 (Pugh). Neither Kadoi nor Pugh, alone or in combination, make up for the deficiencies noted above in Blair, Johnson, and Moore. Thus, for at least the reasons discussed above with respect to claim 1, claims 5-6 are patentable over Blair in view of Johnson in view of Moore in view of Kadoi in view of Pugh.

#### Claim 8

Claim 8, that depends from claim 1, is rejected under 35 U.S.C. §103(a) as being unpatentable over Blair in view of Johnson in view of Moore as applied to claim 1 above, and further in view of Pugh. Claim 1, from which claim 8 directly depends, was rejected as being unpatentable over Blair in view of Johnson in view of Moore. Applicants respectfully submit that Pugh does not make up for the deficiencies noted above in Blair, Johnson, and Moore. Thus, for at least the reasons discussed above with respect to claim 1, claim 8 is patentable over Blair in view of Johnson in view of Moore in view of Pugh.

#### Claim 25

Claim 25, that depends from claim 1, is rejected under 35 U.S.C. §103(a) as being unpatentable over Blair in view of Johnson in view of U.S. Pat. No. 6,266,250 (Foye) in view of U.S. Pat. No. 5,949,974 (Ewing). Foye and Ewing do not make up for the deficiencies noted above in Blair, Johnson and Moore, with respect to claim 1, and thus claim 25, that depends from

claim 1, is patentable over Blair in view of Johnson in view of Moore in view of Foye in view of Ewing for at least the reasons discussed above.

Claims 30-31

Claims 30-31 are rejected under 35 U.S.C. §103(a) as being unpatentable over Blair in view of Johnson in view of Moore in view of U.S. Pat. No. 5,486,664 (Lamp). Applicants respectfully assert that independent claim 31 is also patentable over Blair in view of Johnson in view of Moore in view of Lamp. Independent claim 31 recites an uninterruptible power supply (UPS) for providing AC power to a load in a local area network, the local area network including at least one computing device located remotely from the UPS, the UPS including an output that includes a plurality of switched power outlets, a network interface configured to provide commands from the remote computing device to a first controller, and wherein the first controller is configured to respond to a command received by the network interface to selectively control the plurality of switched power outlets to cycle power output by the switched power outlets.

Blair, Johnson and Moore are discussed above in reference to independent claim 1. None of Blair, Johnson or Moore teach, disclose or suggest a network interface configured to receive commands from a remote computing device and provide the commands to a first controller configured to respond to a command received by the network interface to selectively control the plurality of switched power outlets to cycle power output by the switched power outlets, as required by independent claim 31. Lamp does not make up for these deficiencies. Thus, for at least these reasons, independent claim 31, and dependent claim 30 that depends from claim 31, are allowable over Blair, in view of Johnson in view of Moore in view of Lamp.

Claims 13 and 14

Claims 13 and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Blair in view of Johnson in view of Moore in view of Lamp in view of Ewing. Claims 13 and 14 depend from independent claim 31. Ewing does not make up for the deficiencies noted in Blair,

Johnson, Moore and Lamp. Claims 13 and 14 are therefore allowable for at least the same reasons that claim 31 is allowable.

Claim 15-17

Claim 15 is rejected under 35 U.S.C. §103(a) as being unpatentable over Blair in view of Johnson in view of Moore in view of Lamp and further in view of U.S. Pat. App. Pub. No. 2003/0197723 (Young). Claims 16-17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Blair in view of Johnson in view of Moore in view of Lamp in view of Kadoi in view of Pugh. Claims 15-17 depend from independent claim 31. Neither Young, or Kadoi in view of Pugh make up for the deficiencies noted in Blair, Johnson, Moore and Lamp. Claims 15-17 are therefore allowable for at least the reasons that independent claim 31 is allowable.

Claims 32-37

Claims 32-37 are rejected under 35 U.S.C. §103(a) as being unpatentable over Blair in view of Johnson in view of Moore in further view of U.S. Pat. No. 6,693,371 (Ziegler). Claims 32-34 depend, directly or indirectly, from independent claim 1. Claims 32-34 are allowable for at least the reasons that independent claim 1 is allowable. Claims 35-37 depend from independent claim 28. Ziegler does not make up for the deficiencies noted in Blair, Johnson and Moore. Claims 35-37 are therefore allowable for at least the reasons that independent claim 28 is allowable.

Claims 38-40

Claims 38-40 are rejected under 35 U.S.C. §103(a) as being unpatentable over Blair in view of Johnson in view of Moore in view of Lamp and further view of Ziegler. Claims 38-40 depend from independent claim 31. Ziegler does not make up for the deficiencies noted in Blair, Johnson, Moore and Lamp. Claims 38-40 are therefore allowable for at least the reasons that independent claim 31 is allowable.

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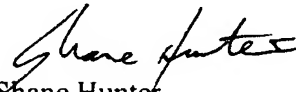
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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858-350-6100.

Respectfully submitted,

  
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